

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10911 of 2017

Arising Out of PS.Case No. -179 Year- 2013 Thana -SABAUR District- BHAGALPUR

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1. Juge @ Yugesh @ Jugesh Mandal @ Jugwa Mandal @ Jugeshwar Mandal @ Yogesh Mandal Son of late Laxman Mandal Resident of Village- Pariya ,Police station- Bariyarpur, District Munger at Present Resident of Village- Lailakh, Police Station- Sabour, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pd. Singh, Sr. Adv.
Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 10-05-2017 The petitioner seeks regular bail in connection with S.Tr. No. 529 of 2016, arising out of Sabour P.S. Case No. 179 of 2013, registered for offences punishable under Sections 302, 201 and 34 of Indian Penal Code.

Allegation against the petitioner is that he along with other persons killed the son of the informant.

It has been submitted on behalf of the petitioner that though there is allegation that petitioner along with other accused persons killed the son of the informant, however, later on informant himself filed a petition duly sworn by him and has stated that he has not taken the name of the petitioner and other accused persons in the fardbeyan. Further statement of daughter of



the informant was also recorded and she too has not attributed any specific allegation against the petitioner and other accused persons. It has further been submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case due to suspicion and due to enmity with the petitioner. Further two other co-accused persons i.e. one lady, namely, Shobha Devi has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 03.02.2017 passed in Criminal Miscellaneous No. 54239 of 2013 and one Vikash Kumar has been granted regular bail by this Court vide order dated 28.07.2014 passed in Criminal Miscellaneous No. 12812 of 2014. Petitioner has been languishing in judicial custody since 16.04.2016.

Learned counsel for the State opposed the prayer for bail and submitted that petitioner is named in the F.I.R. and there is direct allegation against the petitioner that he along with other co-accused persons of this case tied the rope in the neck of the deceased and killed him.

Having heard both sides, in view of the fact that there is direct allegation against the petitioner of killing the son of the informant coupled with the fact that petitioner has criminal antecedent as he is accused in as many as five other cases and further a submission has been made that two other co-accused



have been granted bail, however, one has been granted anticipatory bail on the ground that she was a lady and other has been granted regular bail on the ground that he was not actively involved in the said offence, as such, I am not inclined to release the petitioner on bail, his application for regular bail is, accordingly, rejected.

However, the trial court is directed to expedite the trial and try to conclude it as early as possible.

(Vinod Kumar Sinha, J)

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